

JULIE R. ULMET

November 10, 2023

By ECF and Email (Torres NYSDChambers@nysd.uscourts.gov)

The Honorable Analisa Torres
United States District Court for the Southern District Of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Anna Netrebko v. Metropolitan Opera Association, Inc., et al.*
Case No. 23-cv-6857

Dear Judge Torres,

Pursuant to Rule III.B.iv of Your Honor’s Individual Practices, Plaintiff Anna Netrebko, through the undersigned counsel, submits this letter to notify the Court and Defendants that in response to Defendants’ Motion to Dismiss filed on November 1, 2023 (ECF Doc. No. 22-24), Ms. Netrebko seeks to further amend her complaint. The Proposed Second Amended Complaint is attached hereto as Exhibit A, and contains proposed amendments, shown in redline, in paragraphs 51 and 53.

Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiff sought consent from Defendants. At Defendants’ request, Plaintiff shared a copy of the proposed amended pleading with Defendants this morning, but they were not able to provide their position by the time of this filing.

Under Fed. R. Civ. P. 15(a)(2), the Court should “freely give leave” to amend the complaint “when justice so requires.” Plaintiff seeks to make limited proposed amendments in response to arguments raised in Defendants’ Motion to Dismiss. In particular, the Motion to Dismiss raised multiple arguments about Plaintiff’s failure to identify comparators for her discrimination claims. (See ECF Doc. No. 23, p. 5, 6, 9.) While Plaintiff maintains that the law does not require her to plead comparators, *see, e.g.*, N.Y. Exec. L. § 296(1)(h) (“[n]othing in this section shall imply that an employee must demonstrate the existence of [a comparator]”), upon review of the Motion to Dismiss, Plaintiff seeks to allege the existence of comparators in order to narrow the areas of contention for the Court to resolve.



Plaintiff is prepared to present her position more fully should further argument be needed in order to obtain leave to file the Second Amended Complaint.

Respectfully submitted,

/s/ Julie R. Ulmet

Julie R. Ulmet
Counsel for Plaintiff Anna Netrebko

cc: Lloyd B. Chinn, Esq. and Howard Z. Robbins, Esq.,
Counsel for Defendants (By Email and ECF)

Attachments: Exhibit A – Plaintiff's Proposed Second Amended Complaint